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C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 001619

SIPDIS

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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [KDEM](#) [TH](#)

SUBJECT: CONFLICT OVER CONSTITUTION AMENDMENT CONTINUES

Classified By: Deputy Chief of Mission James F. Entwistle, reason 1.4 (b) and (d).

11. (C) SUMMARY: Minor clashes marred the otherwise peaceful rally by opponents of the current government on May 25. The anti-Thaksin People's Alliance for Democracy (PAD) will continue demonstrating to rally opposition to the government and its plans to amend the 2007 Constitution. PM Samak won the Cabinet's support for his plan to hold a referendum on the amendment proposal, but there remain some legal obstacles to overcome before the referendum can be scheduled. The Army commander has repeatedly emphasized the army's neutrality, but former coup plotter GEN Saphrang told the press that the army could not remain complacent if the police were unable to control violence resulting from street protests. Bangkok is relieved that the weekend passed without serious confrontations, but neither side has conceded anything, and the political struggle continues. END SUMMARY.

DEMONSTRATION

12. (C) Minor but disturbing clashes marred an otherwise peaceful protest by the People's Alliance for Democracy (PAD) on May 25. The size of the PAD crowd was variously estimated at 5000 (Bangkok Post), 12-15,000 (police) and 30,000 (PAD and mass circulation daily Thai Rath); we think the police estimate is probably the closest to correct. The crowd included many middle-aged and apparently middle-class PAD supporters wearing yellow (to show support for the King), families with small children, and a strong contingent of young men, identified by arm bands, to provide security. PAD supporters distributed yellow headbands and kerchiefs bearing the words "defender of the country" (in Thai, this fits on a headband), reviving a practice from the 2005-2006 protests. The demonstrators gathered at the iconic Democracy Monument from mid-afternoon until about 9 pm, and then tried to march on Government House to deliver a petition to impeach the MPs and Senators who have submitted a motion to amend the constitution. A crowd of about 200 counter-demonstrators gathered at the edge of the PAD protest throughout the day, hurling abuse at the PAD. Hundreds of police, including some riot police, were on hand to maintain order, but they appeared to have a difficult time keeping the two sides separate. Several scuffles broke out, but only minor injuries have been reported. The demonstrators also threw bottles and stones at each other.

13. (C) The PAD demonstrators were blocked from reaching Government House by police, and decided not to try to march on the Parliament, another planned destination. According to PAD contacts, the rear guard of their march suffered further minor assaults from counter-protesters, and they complained that the police did not do enough to prevent this. A small number of PAD protesters have vowed to remain camped out at

the Makkawan Bridge (a major intersection); based on past practice, they are likely to be joined each evening by additional supporters. From press reports, it appears that a large number of supporters, perhaps thousands, swelled the crowd on Monday evening again. During the day, several hundred protesters remain, many of them religious followers of the strict Buddhist sect led by PAD leader Chamlong Srimuang. (This group, known as the Dharma Army, played a role in the 2005-2006 protests as well. As many adherents of the sect have no jobs and live communally and monastically, they are able to provide manpower for long-term demonstrations like this one.)

¶4. (C) In a positive move, PM Samak Sundaravej told the press that he would not use emergency powers to remove the demonstrators. Army commander Anupong has expressed confidence in the ability of the police to handle the demonstrations, and reiterated the Army's neutrality. Former coup plotter GEN Saphrang, deputy permanent secretary at the MOD, reportedly told the press on Monday that he was concerned about the legitimacy of the constitutional amendment process, as also worried about violent clashes, warning that the military cannot be complacent if the police cannot maintain order.

AMENDMENT PLANS

¶5. (C) PM Samak, in the meantime, continues to press forward with plans to amend the constitution. While other members of his People's Power Party (PPP) have submitted a petition to the House Speaker in support of extensive

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amendments, PM Samak has advocated for a referendum in July to ask the public for its views on the amendment proposal. The Cabinet voted on May 27 to support the referendum plan, according to news reports. One obstacle to Samak's plan is that there is currently no referendum law - the previous referendum law was linked to the previous constitution, and is therefore no longer in effect. A new law, based on the current constitution, is supposed to be drafted and adopted by the Parliament, but work has not begun on this law yet. The government will consider several ways to address this problem, perhaps by rushing through a new law or somehow resuscitating the old one. It is difficult to see how a new law can be drafted and passed, and a referendum held, all by July, as Samak has proposed. It appears that, under Samak's plan, the voters would not have a copy of the proposed amendments in hand when they voted; the referendum would ask the voters, essentially, for a blank check to allow the Parliament to amend the charter however it decided -- a power that the Parliament already has anyway. (Comment: Samak appears to believe that the referendum would give the PPP political cover to proceed with far-ranging amendments. Samak's decision to press for such a costly plan seems to show that PPP is not confident it can get the amendments through the Parliament. End comment.)

¶6. (C) Several of the Senators who signed the petition in favor of amending the constitution have now withdrawn their support, claiming they were misinformed about the content of the petition. A PPP contact of the Australian embassy told them that the PPP's margin of support for the amendment proposal was thin, indicating that there were issues both with the coalition partners and within the PPP. There are increasing calls in the media for a truly consultative process, starting with the formation of a drafting assembly that would include legal scholars and other experts.

¶7. (C) Comment: Most here are relieved that the weekend's demonstration passed without a significant confrontation between the two sides. Neither side has conceded anything, however, and the political struggle continues. Samak seems set on holding a referendum to give the PPP political cover for proceeding with its amendment plan. This may work, but

it is a cumbersome (not to mention, expensive) way to deflect criticism, and it could backfire if the referendum is viewed as illegitimate.

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